

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MILLENNIUM MARKETING GROUP, LLC, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	CIVIL ACTION H-06-962
	§	
UNITED STATES OF AMERICA,	§	
	§	
<i>Defendant.</i>	§	

ORDER

Pending before the court are defendant's motion to vacate in part the court's March 21 and 22, 2007 orders (Dkt. 69), plaintiff's motion for evidentiary hearing on defendant's motion to vacate, or in the alternative, to enlarge time to file post-hearing submissions and to extend page limitations (Dkt. 103), and defendant's motion to expedite decision (Dkt. 104). Having reviewed the defendant's motion to vacate, the plaintiffs' objections to the motion, the defendant's reply, the pre-evidentiary hearing briefs of both parties, the transcript of the hearing held on August 14, 2007, the proffer of testimony by both parties, the plaintiff's response to the motion to vacate, and the applicable law, the defendant's motion to vacate is GRANTED IN PART and DENIED IN PART.

Paragraphs (a) and (b) of the March 21 and 22, 2007 orders are modified as follows:

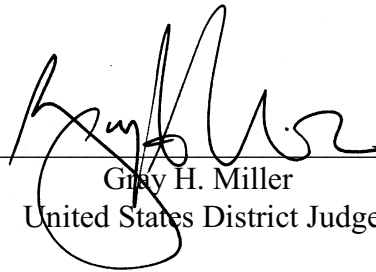
During the pendency of this litigation, the defendant shall not:

- (a) Make any disclosures concerning plaintiffs that are not permitted disclosures under Internal Revenue Code Sections 6110 or 6103.
- (b) Make representations to plan participants and/or third parties that the plan has been determined to be abusive or non-compliant with Section 419A(f)(6) unless or until such a determination has, in fact, been made.

Paragraph (c) is deleted in its entirety.

Furthermore, plaintiff's motion for evidentiary hearing on defendant's motion to vacate, or in the alternative, to enlarge time to file post-hearing submissions and to extend page limitations, and defendant's motion to expedite decision are DENIED AS MOOT.

Signed at Houston, Texas on September 12, 2007.



Gray H. Miller
United States District Judge